

recpt # 0485

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ZEMENCO, INC., a corporation,

Plaintiff,

v.

DEVELOPERS DIVERSIFIED  
REALTY CORPORATION, a  
corporation,

Defendant.

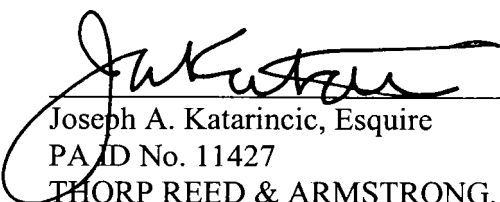
Case No. 03-175 Erie

**NOTICE OF APPEAL**

Notice is hereby given that ZEMENCO, INC., plaintiff in the above-named action, hereby appeals to the United States Court of Appeals for the Third Circuit from (1) the Order entering judgment, entered in this action on October 14, 2005, (2) the Order granting summary judgment and dismissing this action, entered in this action on October 7, 2005, and (3) the minute entry denying ZEMENCO, INC.'s motion to compel filing of concise statement of material facts, entered in this action on July 15, 2005.

Respectfully submitted,

Dated: November 1, 2005

  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on this 1<sup>st</sup> day of November, 2005, that true and correct copies of the foregoing Notice of Appeal has been served by United States first-class mail, postage affixed thereto, on the following parties:

COUNSEL FOR DEFENDANT Developers Diversified Realty Corporation:

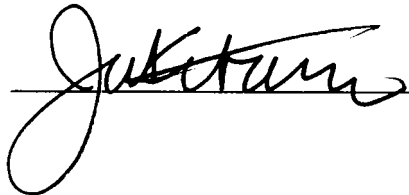
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THE COURT Pursuant to Local Appellate Rule 3.1:

The Honorable Sean J. McLaughlin  
United States District Court Judge  
Courtroom "C"  
United States Courthouse  
17 South Park Row  
Erie, Pennsylvania 16501



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